



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,064	11/14/2000	David Dawson-Granados	MSI-824US	8943

22801 7590 08/27/2003

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,064

Applicant(s)

DAWSON-GRANADOS ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 2002/0052925 A1 (Kim et al.) and "HOW-TO Beat the ADS on FWP (Free Webpage Providers)?", herein referred to as the "HOW-TO" article.

Referring to claims 1, 31 and 61, Kim discloses a graphical user interface with a display and a user interface selection device, which has the means for maintaining a single window interface through the web browser, as seen on the windows of Figure 2 (page 3, paragraph 45, lines 1-2 and paragraph 50, lines 1-6). Kim further discloses receiving a request to open a second browser window while a first browser window is displayed, and opening the second browser window if the request was initiated in response to a user action (page 6, paragraph 77, lines 7-9 and 16-19), wherein the user's request for another web page, through the clicking of a link is responded with the eventual display of the web page that the user had requested. Kim does not disclose ignoring the request if the request was not initiated in response to user action. The "HOW-TO" article discloses ignoring the request if the request was not initiated in response to a user action, wherein these requests would be calls for pop-up advertisements, which are requested by users and as explained by the article, it provides a means for ignoring these pop-ups ads (page 1, lines 16 and 27). It would have been obvious for one skilled in the art, at the time of

Art Unit: 2173

the invention to learn from the "HOW-TO" article for implementing a means for ignoring the request for the display of advertisements, which are not initiated in response to a user action. Kim clearly discloses how pop-up advertisements are requested and displayed without any intervention from the user and the amount of annoyance this brings to users (page 1, paragraph 9). The "HOW-TO" article also discloses the annoyance that users experience and the inconvenience of these pop-up unrequested ads, and provides a solution for dealing with this problem. To relieve any inconvenience to the users, Kim would be motivated to follow the teachings of the "HOW-TO" article to implement means for ignoring the request that is not initiated by the users. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from the article to implement means for ignoring the request that is not initiated by the users.

Referring to claims 2, 3, 17, 18, 32, 33, 47, 48, 62, 63, 77 and 78, Kim discloses opening the second browser window as a full-screen browser window if the request was initiated by a user action, this user action only possible after loading and before unloading of a page in the first browser window, in order for the user to view and click on this first browser window (page 6, paragraph 77, lines 7-9 and 16-19), and as seen in Figure 2, the reference number 204, is the second browser window shown in full-screen that is displayed in response to the user action, from the first screen, reference number 200, wherein the first browser window would be superimposed or replaced with the second browser window as seen in reference number 204 of Figure 2.

Referring to claims 4, 19, 34, 49, 64 and 79, Kim discloses opening a second browser window between pages of the first and second browser windows, at which time a load finished

event for the first browser window is finished but before receiving an unload event for the first browser window, thus discussing the events that occur “between pages” (page 1, paragraph 9, lines 1-4).

Referring to claims 5, 20, 35, 50, 65 and 80, Kim discloses that the opening of the second browser window based on the second web-page that the user is accessing, is distinct from the first browser window containing the first browser page, from where the user has clicked on a link (page 6, paragraph 77, lines 6-10 and 16-19), as also is seen in Figure 2, wherein the displayed of two different instances of the web browser is shown in relation to different time slots, thus showing two different instances.

Referring to claim 6, Kim discloses the unloading of one first browser instance, as disclosed in the “transition” from one page to another, to the loading of a second browser instance, wherein modifications of two both the browser window instances will occur as a result of these unloading and loading events (page 3, paragraph 44, lines 7-8).

Referring to claims 7, 22, 37, 52, 67 and 82, Kim discloses as seen in Figure 12, a first browser window containing a plurality of frames, represented as the “Ecatalog” and “Links” frames, wherein the request to open a second browser window, based on the user’s clicking of one of the links in these frames, represented as the “boxed” link, wherein the request is associated with one of the plurality of frames as seen, and wherein the method further comprises opening the second browser window after loading the frame associated with the request to open the second browser window, as is seen in the transition of Figure 14 to Figure 15, wherein the second browser window displayed the “advertising at the speed of life” is associated with the “ADNETWARE” which is shown to be chosen by the user, and as seen in Figure 14, the frame

Art Unit: 2173

has been loaded, allowing the user to choose their request which can then only be shown in the second browser window.

Referring to claims 8, 23, 38, 53, 68 and 83, as shown in the plurality of frames in Figure 14, the frames must be loaded then only displayed as seen in Figure 14, in order for a request to be made from these frames, and an associated second browser window to be displayed, associated with a request made from the frames, as seen in Figure 15.

Referring to claims 9, 24, 39, 54, 69 and 84, Kim discloses means wherein a dialog box represented as the click-on advertisement is stored locally and suppressed until a web page that is associated with the request to open the dialog box is displayed, wherein the advertisement is suppressed until a web page that is associated with the advertisement as been displayed, wherein then the dialog box is called on (page 6, paragraph 77, lines 8-14).

Referring to claims 10, 25, 40, 55, 70 and 85, Kim and the "HOW-TO" article discloses that amongst the information displayed with the browser window, includes multi-media data and new broadcasts, both of which include sounds (page 3, paragraph 44, lines 13-15), hence when these pop-up advertisements are ignored, as stated in previous claims, the sounds associated with these displays would also be ignored or suppressed. It would have been obvious for one skilled in the art, at the time of the invention to suppress the generation of a sound associated with a browser window that is not displayed. Kim and the "HOW-TO" article established a system, wherein uninitiated requests by the user, such as pop-up advertisements would be ignored, wherein all information associated with these ads/commercials would be ignored and hence, the sounds associated with these ads would be suppressed. Hence, it would have been obvious for

Art Unit: 2173

one skilled in the art, at the time of the invention to suppress the sounds associated with a browser window that is not displayed.

Referring to claims 11, 26, 41, 56, 71 and 86, Kim discloses receiving a request to close a browser window, closing the browser window if another browser window is open and ignoring the request if no other browser window is open (page 6, paragraph 77, line 16-19), wherein the AD window closes when the user requested window has been opened, but remains open when user initiated window has not yet been opened.

Referring to claims 12, 27, 42, 57, 72 and 87, Kim discloses maintaining a browser history, wherein a history of transitions between the first and second browser windows are maintained (page 3, paragraph 49, lines 8-11).

Referring to claims 13, 28, 43, 58, 73 and 88, Kim discloses means for maintaining a browser history through storing of the history of the displayed browser windows (page 3, lines paragraph 49, 9-11).

Referring to claims 14, 29, 44, 59, 74 and 89, Kim discloses means for building the browser history from all kinds of user and internet activities, thus including the history of a set of simultaneously open browser windows as seen Figures 12-16 (page 3, paragraph 49, lines 4-9).

Referring to claims 15, 30, 45, 60, 75 and 90, Kim discloses detecting through browser history a transition between two simultaneously open browser windows and in response to the detected transition, hiding one of the first and second browser windows and displaying a different one of the first and second browser windows (page 8, paragraphs 110-112).

Referring to claims 16, 46 and 76, Kim discloses a graphical user interface with a display and a user interface selection device, which has the means for maintaining a single window

Art Unit: 2173

interface through the web browser, as seen on the windows of Figure 2 (page 3, paragraph 45, lines 1-2 and paragraph 50, lines 1-6). Kim further discloses receiving a request to open a second browser window while a first browser window is displayed, and opening the second browser window if the request was initiated in response to a user action (page 6, paragraph 77, lines 7-9 and 16-19), wherein the user's request for another web page, through the clicking of a link is responded with the eventual display of the web page that the user had requested. Kim discloses the concept of determination of unrequested information from the user wherein, this information would be automatically requested during the transition from one page to another page, wherein then it is determined that the user did not request the information, since the request was initiated in "between pages", when either the loading or unloading of a page in the first browser window is occurring (page 1, paragraph 9, lines 1-4 and page 3, paragraph 44, lines 7-8). Kim also discloses that the request was in response to a user action, where the clicking of the link on the first browser window and the determination of this user request is based on the clicking of a link which is currently displayed to the user on a first browser window, which determines that the request must be initiated after loading and before unloading of a page in the first browser window, in order for the user to view and click on this first browser window (page 6, paragraph 77, lines 8-10). Kim does not disclose ignoring the request if the request was not initiated in response to user action. The "HOW-TO" article discloses ignoring the request if the request was not initiated in response to a user action, wherein these requests would be calls for pop-up advertisements, which are requested by users and as explained by the article, it provides a means for ignoring these pop-ups ads (page 1, lines 16 and 27). It would have been obvious for one skilled in the art, at the time of the invention to learn from the "HOW-TO" article for

Art Unit: 2173

implementing a means for ignoring the request for the display of advertisements, which are not initiated in response to a user action. Kim clearly discloses how pop-up advertisements are requested and displayed without any intervention from the user and the amount of annoyance this brings to users (page 1, paragraph 9). The "HOW-TO" article also discloses the annoyance that users experience and the inconvenience of these pop-up unrequested ads, and provides a solution for dealing with this problem. To relieve any inconvenience to the users, Kim would be motivated to follow the teachings of the "HOW-TO" article to implement means for ignoring the request that is not initiated by the users. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from the article to implement means for ignoring the request that is not initiated by the users.

Referring to claims 21, 36, 51, 66 and 81, Kim discloses the communication of the two browser windows, wherein the first and second browser windows must communicate such that, once the user has clicked on a request on the first page to access a second page, communication has occurred between the pages, thereby forming a link in response to events occurring in the first browser window and second browser instances (page 6, paragraph 77, lines 8-10 and 17-20).

Conclusion

2. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for displaying user requested displays while ignoring uninitiated displays.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231.

Art Unit: 2173

If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed. Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

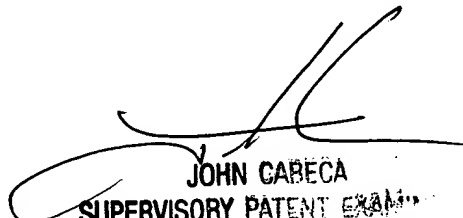
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
August 20, 2003


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100